

Decision **PROPOSED DECISION OF ALJ GAMSON** (Mailed 6/16//2015)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Integrate and Refine
Procurement Policies and Consider Long-Term
Procurement Plans.

Rulemaking 12-03-014
(Filed March 22, 2012)

DECISION DENYING COMPENSATION TO ENVIRONMENTAL DEFENSE FUND

Claimant: Environmental Defense Fund	For contribution to Decision (D.) 14-03-004
Claimed: \$67,060.00	Awarded: \$0.00
Assigned Commissioner: Michel Peter Florio	Assigned ALJ: David M. Gamson

PART I: PROCEDURAL ISSUES

A. Brief Description of Decision:	Authorizing Long-Term Procurement for Local Capacity Requirements Due to Permanent Retirement of San Onofre Nuclear Generations Stations
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B. Claimant must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:

	Claimant	CPUC Verified
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	09/04/2013	Verified
2. Other Specified Date for NOI:		
3. Date NOI Filed:	09/30/2013	Verified
4. Was the NOI timely filed?		Yes
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	R.12-03-014	R.12-06-013
6. Date of ALJ ruling:	02/25/2013	Verified
7. Based on another CPUC determination (specify):		
8. Has the Claimant demonstrated customer or customer-related status?		Yes

Showing of “significant financial hardship” (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:		R.12-06-013
10. Date of ALJ ruling:		Verified
11. Based on another CPUC determination (specify):		
12. Has the Claimant demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.14-03-004	Verified
14. Date of Issuance of Final Order or Decision:	March 14, 2014	Verified
15. File date of compensation request:	May 14, 2014	Verified
16. Was the request for compensation timely?		No ^[A]

C. Additional Comments on Part I:

#	Claimant	CPUC	Comment
		A	Environmental Defense Fund’s claim was filed 61 days after Decision (D.) 14-03-004 was issued. D.14-03-004 closed the proceeding. This means EDF’s claim was filed after the 60 day deadline (<i>see</i> Rule 17.3 of the Commission’s Rules of Practice and Procedure). Although petitions for modification were filed in relation to the decision, none of these petitions addressed the issues upon which EDF based its claimed substantial contribution. EDF’s claim is therefore late and denied in full.

PART II: SUBSTANTIAL CONTRIBUTION

A. In the fields below, describe in a concise manner Claimant’s contribution to the final decision (*see* § 1802(i), § 1803(a) & D.98-04-059).

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contributions	CPUC Discussion
Track 4 1. The Need for Additional Procurement Has Not Been Sufficiently Established. “While the utilities have requested additional procurement approval in the current track, the actual need of such procurement has not been established by the	“As discussed herein, we determine that it is necessary to authorize additional procurement at this time. The 2013/2014 TPP results are expected to be complete by March 2014. However, further procedural activities in this docket would necessitate at least several months to fully develop a record to incorporate the new TPP results. With long lead-time resources requiring several years of effort, and potential reliability issues surfacing starting	

<p>utilities and CAISO.” EDF Opening Brief p. 3.</p>	<p>in 2018, we cannot wait for further information at this point. Further, additional information inevitably becomes available as time passes. It is simply not possible to both incorporate all information and make timely decisions. However, knowing the TPP results are soon to be available and that additional transmission solutions may impact future LCR needs (by lowering local procurement requirements), we will take a cautious approach to avoid over procurement.” D. 14-03-004, p. 9-10</p> <p>“To replace a zero emission facility like SONGS with other resources, several parties argue it is necessary to mandate only low-to-no emitting resources as a source of replacement capacity. NRDC, Sierra Club, CEJA, and EDF all urge that any procurement authorized by the Commission should include preferred resources only.” D. 14-03-004, p. 76.</p> <p>“These parties recommend that the Commission, if it authorizes any additional Track 4 LCR procurement, require the utilities to first seek to satisfy that additional need with preferred resources. EDF contends that “[i]n comparison to combustion resources, the siting of [energy efficiency, demand response,] and small and large scale renewable generation is significantly less likely to face time delays and substantial obstacles to implementation.” D. 14-03-004, p. 96.</p>	<p>N/A</p>
<p>2. The Use of Preferred Resources Is Underutilized.</p> <p>“The underutilization of DR</p>	<p>“A minimum procurement level must also be defined. Several environmental and ratepayer parties (e.g., NRDC,</p>	

and renewable resources in the analysis by CAISO and the utilities unnecessarily favors the procurement of additional generation, that if procured will exist and require recoupment long beyond its necessity. If, the Commission grants the procurement of additional megawatts despite the lack of clear analysis, EDF strenuously advocates for the use of only Preferred Resources to meet any additional needs.” EDF Opening Brief p. 5.	CEJA, Sierra Club, EDF, CLECA) recommend no procurement at this time, based on their analysis that there are likely to be sufficient resources available (and reductions in demand) to obviate any LCR need in the SONGS study area through 2022 We disagree. Our concern in D.13-02-015 included the reliability risks of under-procurement.” D. 14-03-004, p. 65.	N/A
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B. Duplication of Effort (§§ 1801.3(f) & 1802.5):

	Claimant	CPUC Verified
a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?¹	Yes	N/A
b. Were there other parties to the proceeding with positions similar to yours?	Yes	N/A
c. If so, provide name of other parties: NRDC, Sierra Club, CEJA, CLECA		N/A
d. Describe how you coordinated with ORA and other parties to avoid duplication or how your participation supplemented, complemented, or contributed to that of another party: EDF participated in numerous coordinating conference calls and meetings to coordinate positions, but not duplicate efforts.		N/A

PART III: REASONABLENESS OF REQUESTED COMPENSATION**A. General Claim of Reasonableness (§§ 1801 & 1806):**

a. Concise explanation as to how the cost of Claimant’s participation bears a reasonable relationship with benefits realized through participation	CPUC Verified
EDF fully analyzed and participated in the proceeding in an efficient and concise manner to maximize our efforts for the benefit of CA consumers	N/A

¹ The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill No. 96 (Budget Act of 2013: public resources), which was approved by the Governor on September 26, 2013.

and the environment.	
b. Reasonableness of Hours Claimed. Track 4 of the LTPP proceeding was a very complex docket that required numerous hours of preparation and participation. EDF strove to utilize its resources in an efficient and concise manner without duplicating the efforts of other intervenors.	N/A
c. Allocation of Hours by Issue EDF participated in Track 4 of the proceeding with a concise effort focused on advocating for preferred resources, specifically demand response, including time-variant rates to address any procurement needs in the wake of the closure of SONGS. EDF limited its participation to the issue of preferred resources, specifically demand response include time-variant rates. All of the hours were focused on that narrow issue.	N/A

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Jennifer Weberski	2013	94	\$400	See Comment 2	\$37,600.00	0 ^[A]	\$0.00	\$0.00
Jennifer Weberski	2014	15	\$400	See Comment 2	\$6,000.00	0 ^[A]	\$0.00	\$0.00
Steven Moss	2013	51	\$350	See Comment 3	\$17,860.00	0 ^[A]	\$0.00	\$0.00
Steven Moss	2014	16	\$350	See Comment 3	\$5,600.00	0 ^[A]	\$0.00	\$0.00
Subtotal: \$67,060.00						Subtotal: \$0.00		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Jennifer Weberski	2014	8	\$200		\$1,600.00	0	\$0.00	\$0.00
Subtotal: \$1,600.00						Subtotal: \$0.00		
TOTAL REQUEST: \$67,060.00						TOTAL AWARD: \$0.00		

*We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenor's records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants, and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.

**Travel and Reasonable Claim preparation time are typically compensated at ½ of preparer's normal

hourly rate.			
Attorney	Date Admitted to CT BAR ²	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation
Jennifer Weberski	1997	N/A	No

C. Attachments Documenting Specific Claim and Comments on Part III:

Attachment or Comment #	Description/Comment
Comment 1	<p>Jennifer Weberski is an accomplished public utility regulation professional focused on utility reliability and consumer outreach and advocacy. Ms. Weberski has 17 years of experience in utility rate regulation, smart grid deployment, consumer engagement, natural gas pipeline expansion, replacement programs and energy policy. Ms. Weberski began her career at the Connecticut Office of Consumer Counsel where she embarked on advocating on behalf of the state's energy, gas, water and telecom customers.</p> <p>Ms. Weberski spent ten years with the D.C. Office of People's Counsel serving as lead counsel for numerous utility rate proceedings and representing the Office in reviewing and analyzing proposed utility projects for cost/benefit to customers, reviewing resource planning and advanced metering plans to ensure adequate reliability.</p> <p>Currently, Ms. Weberski provides legal and policy guidance to the Environmental Defense Fund with particular focus on the following proceedings at the California Public Utilities Commission: Rates/Time of Use, Long-Term Procurement Planning</p>
Comment 2	Steven Moss, PhD., has 20 years of working on the technical aspects of utility regulatory proceedings. He is currently assisting EDF in several CPUC proceedings. He is contributing to EDF's efforts in multiple dockets.
Attachment 1	Certificate of Service
Attachment 2	List of Substantive Documents Submitted by EDF
Attachment 3	Breakdown of Hours for Jennifer Weberski
Attachment 4	Breakdown of Hours for Steven Moss
Attachment 5	Resume of Jennifer Weberski
Attachment 6	Resume of Steven Moss

² This information may be obtained at: <http://www.calbar.ca.gov/>.

D. CPUC Disallowances and Adjustments:

Item	Reason
A	Claim is denied for lateness.

PART IV: OPPOSITIONS AND COMMENTS

Within 30 days after service of this Claim, Commission Staff
or any other party may file a response to the Claim (see § 1804(c))

A. Opposition: Did any party oppose the Claim?	No
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B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(2)(6))?	No
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If not:

Party	Comment	CPUC Discussion
	No comments were filed. Thus, no changes have been made.	

FINDINGS OF FACT

1. Environmental Defense Fund's claim was filed 61 days after the issuance date of a decision closing the proceeding.
2. The total of reasonable compensation is \$0.00.

CONCLUSION OF LAW

1. Environmental Defense Fund's Claim was filed late.
2. The Claim does not satisfy all requirements of Pub. Util. Code §§ 1801-1812.

ORDER

1. Environmental Defense Fund is awarded \$0.00.

2. The comment period for today's decision is not waived.

This decision is effective today.

Dated _____ 2015, at San Francisco, California.

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:		Modifies Decision? No
Contribution Decision(s):	D1403004	
Proceeding(s):	R1203014	
Author:	ALJ Gamson	
Payer(s):	N/A	

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier	Reason Change/Disallowance
Environmental Defense Fund	May 14, 2014	\$67,060.00	\$0.00	n/a	Claim denied due to late filing.

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Jennifer	Weberski	Attorney	Environmental Defense Fund	\$400	2013	\$0
Jennifer	Weberski	Attorney	Environmental Defense Fund	\$400	2014	\$0
Steven	Moss	Expert	Environmental Defense Fund	\$350	2013	\$0
Steven	Moss	Expert	Environmental Defense Fund	\$350	2014	\$0

(END OF APPENDIX)